

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No.: 3:17-cv-458-RJC-DSC**

**SAFETY NATIONAL CASUALTY
CORPORATION,**

Plaintiff,

v.

**GARLOCK SEALING
TECHNOLOGIES LLC, ENPRO
HOLDINGS, INC., and GARRISON
LITIGATION MANAGEMENT
GROUP, LTD.,**

**Defendants and
Counterclaim Plaintiffs,**

v.

**SAFETY NATIONAL CASUALTY
CORPORATION,**

**Counterclaim
Defendant,**

and

**STARR INDEMNITY & LIABILITY
COMPANY,**

**Additional Party
Defendant.**

ORDER

THIS MATTER is before the Court on Plaintiff's "Motion to Stay and Compel Arbitration" (document #17) and the parties' briefs and exhibits.

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and this Motion is now ripe for the Court's consideration.

The Court has carefully reviewed the record, authorities and the parties' arguments.

Plaintiff seeks an order compelling Defendants to arbitrate pursuant to an arbitration provision in the subject excess insurance policy (“the Safety policy”). The Safety policy’s arbitration provision provides that “any dispute arising out of this Policy shall be submitted to the decision of a board of arbitration.”

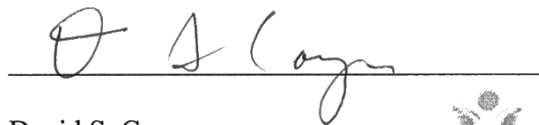
Defendants respond that the Safety policy also contains a provision that “all preprinted terms and conditions” on the policy form “are deleted to the extent that they vary from or are inconsistent with the terms and conditions of the [underlying umbrella insurance policy issued by Royal Indemnity Company].” The Royal umbrella policy contains no arbitration provision.

For the reasons stated in Defendants’ brief, the Court concludes that the arbitration provision in the Safety policy is deleted by the Royal umbrella policy. Accordingly, Plaintiff’s “Motion to Stay and Compel Arbitration” (document #17) is **DENIED**.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: October 12, 2017

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

